

Lost by the following vote:

Yeas—6.

Burns.	Linn of Wharton.
Harrison.	Morriss.
Linn of Victoria.	Wayland.

Nays—20.

Atlee.	Neal.
Beall.	Presler.
Colquitt.	Ross.
Darwin.	Stafford.
Dibrell.	Stone.
Goss.	Terrell.
Gough.	Turney
Greer.	Woods.
Kerr.	Yantis.
Lewis.	Yett.

Absent.

Bailey.	Rogers.
Bowser.	Tillett.

Excused.

Boren.

The motion to reconsider then prevailed.

The resolution was then lost by the following vote:

Yeas—6.

Burns.	Linn of Wharton.
Harrison.	Morriss.
Linn of Victoria.	Wayland.

Nays—20.

Atlee.	Neal.
Beall.	Presler.
Colquitt.	Ross.
Darwin.	Stafford.
Dibrell.	Stone.
Goss.	Terrell.
Gough.	Turney.
Greer.	Woods.
Kerr.	Yantis.
Lewis.	Yett.

Absent.

Bailey.	Rogers.
Bowser.	Tillett.

Excused.

Boren.

By consent, Senator Colquitt offered the following resolution:

Resolved, that hereafter only 300 copies of the Senate Journal be printed daily.

On motion of Senator Greer, the resolution was adopted.

Senator Neal called up

Senate bill No. 79, a bill to be entitled "An act to amend article 2640 of the Revised Civil Statutes of the State of Texas, relating to loaning money of wards by their guardians,"

Which had passed the House with amendments, and moved that the Senate concur in said amendments.

Concurred.

The question recurring on Senator Darwin's motion to adjourn to 10 a. m. to-morrow, the same prevailed, and The Senate adjourned to 10 a. m. to-morrow.

NINETY-FIRST DAY.

Senate Chamber,
Austin, Texas, Saturday, May 8.

Senate met pursuant to adjournment.

Lieutenant Governor Jester in the chair.

Roll called.

Quorum present, the following Senators answering to their names:

Atlee.	Linn of Victoria.
Beall.	Linn of Wharton.
Burns.	Morriss.
Colquitt.	Rogers.
Darwin.	Ross.
Dibrell.	Stafford.
Goss.	Stone.
Gough.	Turney.
Greer.	Wayland.
Harrison.	Woods.
Lewis.	Yantis.

Absent.

Bailey.	Presler.
Bowser.	Terrell.
Kerr.	Tillett.
Neal.	Yett.

Excused.

Boren.

Prayer by the Chaplain, Rev. F. S. Jackson, as follows:

Almighty God: We thank Thee for the general providence that is over Thy works; that the Heavens declare Thy glory and all nature sings joyfully Thy praise. There are no mistakes in all Thy government. We thank Thee for a special providence that is over all created intelligence: "that all things work together for good to them that love God." Give us eyes to see Thee alike in the storm-cloud and the lovely flowers; ears to hear Thee in all the music of nature, and hearts to feel that Thou art near in pain or joy, sorrow and affliction, in all things perfecting our characters. May this chamber be a delightful place, a real sanctuary, because of Thy presence. Baptize every heart with Thy love, and forgive all our sins. Grant to us patience, strength of will and charity of heart during the day. We ask for Christ's sake. Amen.

Pending reading of the Journal of yesterday,

On motion of Senator Gough, the same was dispensed with.

On motion of Senator Greer,

Senator Rogers was excused for absence on yesterday, on account of important business.

On motion of Senator Rogers, the Doorkeeper, Mr. Dale, was excused for absence to-day on account of business.

On motion of Senator Greer,

Senator Beall was excused for absence on Monday and Tuesday afternoon, on account of important business.

COMMITTEE REPORTS.

Committee Room,

Austin, Texas, May 8, 1897.

Hon. George T. Jester, President of the Senate.

Your Judiciary Committee No. 2, to whom was referred

Senate bill No. 379, a bill to be entitled "An act to repeal subdivisions 1, 2, 3, 4, 5 and 6, of article 1092, of the Code of Criminal Procedure of the State of Texas, relating to fees in office in examining trials,"

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass.

STAFFORD, Chairman.

Committee Room,

Austin, Texas, May 7, 1897.

To the Hon. Geo. T. Jester, President of the Senate, and Hon. L. T. Dashiell, Speaker of the House of Representatives:

Your committee of free conference upon

House bill No. 539, a bill to be entitled "An act making appropriations for the deficiencies in the appropriations heretofore made for payment of expenses for support of the State government from March 1, 1895, to February 28, 1897, and for previous years, being for payment of claims registered in the Comptroller's office in accordance with law, and for outstanding claims not registered, and other deficiencies,"

Have had the same under consideration, with Senate amendments thereto, and have agreed as follows:

First. That the House agree to the Senate amendment striking out line 22, page 2, of the House printed bill, the sum of \$674.58 and substitute in lieu thereof the sum of \$1000 for refund of liquor licenses.

Second. That the House agree to Senate amendment, inserting between lines 18 and 19, page 2, House printed

bill, the words "Court of Civil Appeals, First District, water, fuel and lights, the sum of \$22.45."

Third. That the House agree to Senate amendment adding to section 1, page 2, the words, "to refund liquor tax erroneously collected from T. B. Bond, from December 15, 1894, to December 15, 1895, being one year's tax, the sum of \$300."

Fourth. That the Senate recede from so much of its amendment to House bill providing for pay for two years of stenographer for Court of Civil Appeals of Fifth District, \$1800, and substituting therefor the sum of \$900 for said stenographer.

Fifth. That the House agree to Senate amendments as follows: "To refund to M. A. Dillard, druggist in local option precinct, for liquor tax collected from August 11, 1893, to August 11, 1894, the sum of \$300."

"To refund to J. J. Hooper, for liquor license erroneously collected of him, being one year's tax from December 15, 1894, to December 15, 1895, the sum of \$300."

Sixth. That the House agree to Senate amendment as follows: "To Geo. B. Morton, sheriff of King county, for services in enforcing State sanitary laws, the sum of \$12.50."

Seventh. That the Senate recede from so much of its amendment for "Salary of stenographer for Second District Court of Civil Appeals, \$2000," and substituting therefor the words "\$1000 for services from June 30, 1895, to February 28, 1897."

"For salary of stenographer for the Third District Court of Civil Appeals, \$500, from October 1, 1896, to February 28, 1897," and substituting for said service the sum of \$250.

That the House agree to Senate amendments as follows:

"To refund to creditors of the O. N. Hollingsworth ledger, in cases where moneys were deposited to pay for patents where patents can not issue, and where moneys were deposited or paid for specific work to be done, but which was not delivered because of the defalcation of the receiver of the Land Office; provided, that sums refunded shall be paid upon the certificate of the Commissioner of the General Land Office, showing the facts, approved by the Governor and Attorney-General, \$2000."

Also, to Senate amendment as follows: "For the First National Bank of Aransas Pass, for taxes paid the State by error as occupation taxes for the time between October 8, 1890, to

January 8, 1895, as shown by records in the Comptroller's office, the sum of \$106.25."

In pursuance of their duties, your conference committee discovered that there exists a strong diversity of opinion regarding the actual status of the law authorizing the employment and salary of stenographers by the several Courts of Civil Appeals of the State, and with a view to set at rest any future dispute on this question they do now recommend the speedy passage through the House and Senate of a bill to be introduced amending article 1012, title XXVII, chapter 14, of the Revised Statutes, relating to the salary of said stenographers.

All of which is respectfully submitted.

LINN, Victoria,
YETT,
BURNS,
HARRISON,
BOWSER,

On part of the Senate.

FREEMAN,
MAXWELL,
THOMAS,
LOGAN,
FIELDS.

On part of the House.

On motion of Senator Colquitt, the reading of the above report was dispensed with, and it was ordered printed in the Journal.

Committee Room,
Austin, Texas, May 8, 1897.

Hon. George T. Jester, President of the Senate:

Your Committee on Engrossed Bills have carefully examined and compared

Senate bill No. 278, a bill to be entitled "An act to establish an additional State normal school."

And find the same correctly engrossed.

GOUGH, Chairman.

Committee Room,
Austin, Texas, May 7, 1897.

Hon. George T. Jester, President of the Senate:

Your Committee on Engrossed Bills have carefully examined and compared

Senate bill No. 376, entitled "An act to extend for the period of two years from the first day of March, 1897, the time in which certain purchasers of timber on school lands in this State may remove the timber from said lands,"

And find the same correctly engrossed.

GOUGH, Chairman.

Committee Room,
Austin, Texas, May 7, 1897.

Hon. George T. Jester, President of the Senate:

Your Committee on Engrossed Bills have carefully examined and compared

Senate bill No. 358, entitled "An act to validate the acts and incorporation of all cities and towns in this State of 1000 inhabitants or more, which have heretofore attempted to accept the provisions of the general laws of this State relating to the incorporation of cities and towns of 1000 inhabitants or over and to become incorporated cities and towns of 1000 inhabitants or more, but which said cities and towns at the time of said attempted acceptance were unauthorized for any reason to accept the provisions of the said general laws aforesaid, but which said cities and towns have from and after the dates of their several attempted incorporations and their several efforts to accept the provisions of the general laws of this State relating to the incorporations of cities and towns of 1000 inhabitants or over, and which have exercised the functions of the cities of the class named, and have been recognized as such cities; to declare such cities and towns to be cities of 1000 inhabitants or more, and to validate all subsequent acts of said cities and towns done and performed as a city of 1000 inhabitants or over from and after the city had attempted to accept the provisions of said law as aforesaid,"

And find the same correctly engrossed.

DIBRELL, Acting Chairman.

BILLS AND RESOLUTIONS.

By Senator Colquitt (by instruction of Finance Committee):

Senate bill No. 379, a bill to be entitled "An act to repeal subdivisions 1, 2, 3, 4, 5 and 6, of article 1092, of the Code of Criminal Procedure of the State of Texas, relating to fees in office in examining trials."

Read first time and referred to Judiciary Committee No. 2.

By Senator Harrison:

Senate bill No. 380, a bill to be entitled "An act granting permission to J. W. Benson and B. F. Gholson, or their assigns, to bring suit against the State of Texas in the District Court of Lampasas county, to ascertain the amount,

if any, the State is indebted to them for services rendered."

Read first time and referred to Committee on Claims and Accounts.

Call concluded.

HOUSE MESSAGE.

The following House message was received:

Hall House of Representatives,
Austin, Texas, May 8, 1897.

Hon. George T. Jester, President of the Senate.

I am directed by the House to inform the Senate of the passage of the following bills:

House bill No. 491, a bill to be entitled "An act to repeal an act entitled an act to incorporate the town of Castroville, approved January 16, 1850."

House bill No. 684, a bill to be entitled "An act to regulate the terms and fix the times for holding the district courts in the Eighth judicial district of the State of Texas, and to repeal all laws and parts of laws in conflict with the provisions of this act."

House bill No. 700, a bill to be entitled "An act to fix the time for holding the courts in the Forty-sixth Judicial District, and to repeal all laws and parts of laws in conflict herewith."

House bill No. 704, a bill to be entitled "An act to place Comal county in the Twenty-second judicial district, and to fix the time for holding court in the counties of said district."

Also, that the House has concurred in Senate amendment to House bill No. 567.

Respectfully,

LEE J. ROUNTREE, Chief Clerk.

The above reported bills were read first time and referred as follows:

House bill No. 491, to Committee on Towns and City Corporations.

House bill No. 684, to Committee on Judicial Districts.

House bill No. 700, to Committee on Judicial Districts.

House bill No. 704, to Committee on Judicial Districts.

The Chair laid before the Senate the following telegram:

Houston, Texas, May 6, 1897.

To Hon. Waller Burns, Senate Chamber, Capitol, Austin:

San Jacinto Chapter, Daughters of the Republic of Texas, in meeting assembled, send rising vote of thanks to the Governor, Senate and House of Representatives for prompt approval of San Jacinto bill.

M. B. URWITZ, President.

MAY F. McKEEVER, Secy.

PENDING BUSINESS.

Action being on Senator Colquitt's motion to suspend the regular order of business, to take up

House bill No. 673, a bill to be entitled "An act to authorize the Houston and Texas Central Railroad Company to purchase and operate the railway extending from near Bremond to Ross and from Ross to Albany, and to regulate reports of such properties," etc. (see Journal of yesterday),

Senator Colquitt withdrew his motions.

Senator Burns moved that the regular order of business be suspended to take up the above bill.

Carried by the following vote:

Yeas—16.

Atlee.	Linn of Victoria.
Beall.	Linn of Wharton.
Burns.	Morriss.
Colquitt.	Ross.
Darwin.	Stafford.
Dibrell.	Turney.
Goss.	Wayland.
Greer.	Woods.

Nays—6.

Gough.	Rogers.
Harrison.	Stone.
Lewis.	Yantis.

Absent.

Bailey.	Presler.
Bowser.	Terrell.
Kerr.	Tillett.
Neal.	Yett.

Excused.

Boren.

On motion of Senator Burns, further consideration of House bill No. 673 (see above) was postponed and made special order for Wednesday, March 12, after call, and from day to day.

On motion of Senator Woods, the regular order of business was suspended to take up on third reading.

Senate bill No. 49, a bill to be entitled "An act to amend title 3, chapter 1, of the Criminal Code of the State of Texas, by adding articles 79, 80, 81, 82, 83, 84, 85, 86 and 87, and repealing chapters 2, 3 and 4 of said title, to make accomplices and accessories principal offenders."

Bill read third time.

Senator Ross moved that further consideration of the bill be postponed until next Monday after call.

Lost.

The bill was passed.

Senator Colquitt called up Senator Turney's motion to reconsider the vote by which

Senate bill No. 275, a bill to be entitled "An act to amend subdivision 8, of article 1083 of the Code of Criminal Procedure of the State of Texas, relating to fees in certain cases,"

Was defeated on engrossment.
Reconsidered.

By Senator Turney:

Amend by adding to end of sec. 1 the following: "Provided that when no inquest or examining trial has been held at which sufficient evidence was taken upon which to find an indictment, which fact shall be certified by the grand jury, or when the grand jury shall state to the district judge that an indictment can not be procured except upon the testimony of non-resident witnesses, the district judge may have attachments issued to other counties for witnesses to testify before grand juries; provided, however, that the judge shall not approve the account of any sheriff for more than one witness to any one fact nor more than three witnesses to any one case pending before any grand jury."

Adopted.

Bill as amended ordered engrossed by the following vote:

Yeas—18.

Atlee.	Linn of Victoria.
Beall.	Linn of Wharton.
Burns.	Morriss.
Colquitt.	Rogers.
Darwin.	Stafford.
Goss.	Stone.
Greer.	Turney.
Harrison.	Wayland.
Lewis.	Woods.

Nays—3.

Gough.	Yantis.
Ross.	

Absent.

Bailey.	Presler.
Bowser.	Terrell.
Dibrell.	Tillett.
Kerr.	Yett.
Neal.	

Excused.

Boren.

On motion of Senator Colquitt, the constitutional rule requiring bills to be read on three several days was suspended, and the bill put upon its third reading and final passage by the following vote:

Yeas—19.

Atlee.	Goss.
Beall.	Gough.
Burns.	Greer.
Colquitt.	Harrison.
Darwin.	Lewis.

Linn of Victoria.	Stone.
Linn of Wharton.	Turney.
Morriss.	Wayland.
Rogers.	Woods.
Stafford.	

Nays—2.

Ross.	Yantis.
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Absent.

Bailey.	Presler.
Bowser.	Terrell.
Dibrell.	Tillett.
Kerr.	Yett.
Neal.	

Excused.

Boren.

Bill read third time, and passed by the following vote:

Yeas—18.

Atlee.	Linn of Victoria.
Beall.	Linn of Wharton.
Burns.	Morriss.
Colquitt.	Rogers.
Darwin.	Stafford.
Goss.	Stone.
Greer.	Turney.
Harrison.	Wayland.
Lewis.	Woods.

Nays—3.

Gough.	Yantis.
Ross.	

Absent.

Bailey.	Presler.
Bowser.	Terrell.
Dibrell.	Tillett.
Kerr.	Yett.
Neal.	

Excused.

Boren.

Senator Colquitt moved to reconsider the vote by which the bill passed, and to lay that motion on the table.

Tabled.

On motion of Senator Rogers, the regular order of business was suspended, to take up on third reading,

Senate bill No. 110, a bill to be entitled "An act to amend article 4221 (3992) and article 4227 (3999) of the Revised Statutes of the State of Texas,"

Bill read third time, and passed by the following vote:

Yeas—21.

Atlee.	Harrison.
Beall.	Lewis.
Burns.	Linn of Victoria.
Colquitt.	Linn of Wharton.
Darwin.	Morriss.
Goss.	Rogers.
Gough.	Ross.
Greer.	Stafford.

Stone.
Turney.
Wayland.

Woods.
Yantis.

Nays—none.

Absent.

Bailey.	Presler.
Bowser.	Terrell.
Dibrell.	Tillett.
Kerr.	Yett.
Neal.	

Excused.

Boren.

On motion of Senator Yantis, the regular order of business was suspended to take up, on second reading,

Senate bill No. 344, a bill to be entitled "An act to limit the effect of immaterial clauses in life and fire insurance contracts and policies, and to provide that such statements by the assured as are not material and do not increase the risk of insurance shall be considered as representations, and not as warranties, and shall not avoid contracts of insurance."

Bill read second time.

(Senator Gough in the chair.)

By Senator Yantis:

Amend by adding the following after section 1: "Sec. 2. The near approach of the close of the session and the large amount of business remaining to be disposed of before final adjournment creates an imperative public necessity and emergency which authorizes the suspension of the rule requiring bill to be read on three several days, and such rule is hereby suspended."

Adopted.

By Senator Morriss:

Amend by adding section 2, and changing the emergency clause to section 3, the following: "No fire insurance policy shall hereafter contain a clause requiring an arbitration of a loss before suit can be brought for the loss by fire or water."

Adopted.

Bill as amended ordered engrossed.

On motion of Senator Yantis, the constitutional rule requiring bills to be read on three several days was suspended, and the bill was put on its third reading and final passage by the following vote:

Yeas—21.

Atlee.	Gough.
Beall.	Greer.
Burns.	Harrison.
Colquitt.	Lewis.
Darwin.	Linn of Victoria.
Dibrell.	Morriss.
Goss.	Rogers.

Ross.
Stafford.
Stone.
Turney.

Wayland.
Woods.
Yantis.

Nays—1.

Linn of Wharton.

Absent.

Bailey.	Presler.
Bowser.	Terrell.
Kerr.	Tillett.
Neal.	Yett.

Excused.

Boren.

Bill read third time.

By Senator Yantis:

Amend caption by adding after the word "insurance," in lines 9 and 10: "and to provide that no fire insurance policy shall contain a clause requiring arbitration of loss before filing suit."

Adopted.

Bill as amended passed.

Senator Linn of Wharton moved that the regular order of business be suspended to take up on third reading

Senate bill No. 278, a bill to be entitled "An act to establish an additional State normal school."

Senator Darwin moved that the Senate adjourn to 10 a. m. Monday.

Lost.

Senator Beall moved that the Senate take a recess until 10 a. m. Monday.

Lost by the following vote:

Yeas—7.

Atlee.	Harrison.
Beall.	Linn of Victoria.
Colquitt.	Stafford.
Darwin.	

Nays—11.

Burns.	Rogers.
Goss.	Ross.
Gough.	Stone.
Lewis.	Turney.
Linn of Wharton	Yantis.
Morriss.	

Absent.

Bailey.	Presler.
Bowser.	Terrell.
Dibrell.	Tillett.
Greer.	Wayland.
Kerr.	Woods.
Neal.	Yett.

Excused.

Boren.

(Lieutenant Governor Jester in the chair.)

The Chair gave notice of signing, and did sign in the presence of the Senate after their captions had been read

Senate bill No. 292, a bill to be entitled "An act making it unlawful for

any fire, or fire and marine, or marine insurance company, which is legally licensed to transact the business of fire and marine insurance in this State, to place or cause to be placed, to write or cause to be written, any contract or policy of insurance against loss by fire, or the perils of the sea, on any property in this State, except through legally authorized and licensed agents, resident in the State, and prescribing penalties for violation of same, and to further prescribe conditions to be complied with by any fire, or fire and marine, or marine insurance company, before it shall be licensed or re-licensed by the Commissioner to do business in this State."

Senate bill No. 79, a bill to be entitled "An act to amend article 2640 of the Revised Civil Statutes of the State of Texas, relating to loaning money of wards by their guardians."

Senate bill No. 362, a bill to be entitled "An act to amend article 1537 of chapter 2, title 32, of the Revised Civil Statutes, adopted and established by the Twenty-fourth Legislature in regular session in 1895, relating to the powers and duties of commissioners courts."

Senate bill No. 212, entitled "An act to provide a penalty for the failure or refusal of any president, vice-president, cashier, of a national bank, to furnish the tax assessor, or the deputy tax assessor, a correct statement of the assets and liabilities of the national bank of which such person is president, vice-president or cashier."

Senate bill No. 267, entitled "An act to amend article 1706 of the Revised Civil Statutes of the State of Texas, regulating the place of holding elections in cities and towns."

House bill No. 442, a bill to be entitled "An act to amend article 4908 of the Revised Statutes of the State of Texas, and to provide that constables in towns and cities of 2500 inhabitants may appoint one deputy."

House bill No. 567, a bill to be entitled "An act to amend sections 9, 11, 18, 19, 21, 32 and 44 of an act entitled 'An act to incorporate the city of Denison and to fix the boundaries thereof, etc.,' passed March . . . 1891, to provide for the election of aldermen and other officers of said city by the people, and for fixing their compensation; to provide for the filling of vacancies in said offices; prescribing the duties of the city secretary, and fixing his compensation; to vest in the city council only the power to contract debts for

the city and to appropriate money to pay the same; and to repeal all laws or parts of laws inconsistent with this act."

On motion of Senator Beall, the Senate adjourned to 10 a. m. Monday, by the following vote:

Yeas—12.

Atlee.	Greer.
Beall.	Harrison.
Colquitt.	Lewis.
Darwin.	Stafford.
Dibrell.	Turney.
Goss.	Wayland.

Nays—10.

Burns.	Rogers.
Gough.	Ross.
Linn of Victoria.	Stone.
Linn of Wharton.	Woods.
Morriss.	Yantis.

Absent.

Bailey.	Presler.
Bowser.	Terrell.
Kerr.	Tillett.
Neal.	Yett.

Excused.

Boren.

NINETY-SECOND DAY.

Senate Chamber,

Austin, Texas, Monday, May 10.

The Senate met pursuant to adjournment.

Lieutenant Governor Jester in the chair.

Roll called.

No quorum, the following Senators answering to their names:

Bailey.	Morriss.
Beall.	Presler.
Burns.	Rogers.
Colquitt.	Ross.
Darwin.	Stafford.
Goss.	Stone.
Gough.	Turney.
Greer.	Wayland.
Kerr.	Woods.
Linn of Victoria.	

Absent.

Atlee.	Neal.
Bowser.	Terrell.
Dibrell.	Tillett.
Harrison.	Yantis.
Lewis.	Yett.
Linn of Wharton.	

Excused.

Boren.

Prayer by the Rev. Dr. Wright of Austin, as follows:

Almighty and Everlasting God: We thank Thee for the rest of the Sab-